

12-13-05

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

AF
ZTW
PATENT APPLICATION

ATTORNEY DOCKET NO. 10001428-1



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kannan Govindarajan et al.

Confirmation No.: 7279

Application No.: 09/733,027

Examiner: L. Divine

Filing Date: 12/08/2000

Group Art Unit: 2624

Title: MANAGING THE LIFETIME OF DISTRIBUTED RESOURCE DATA USING TEMPORAL SCOPES

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 10/20/2005. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

(X) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482727147US, in an envelope addressed to: MS Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
Date of Deposit: December 12, 2005

Respectfully submitted,

Kannan Govindarajan et al.

By R. Ross Viguet

R. Ross Viguet

Attorney/Agent for Applicant(s)

Reg. No. 42,203

Date: 12/12/2005

Telephone No.: (214) 855-8185

Typed Name: Susan Bloomfield

Signature: Susan Bloomfield



HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10001428-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kannan Govindarajan et al.

Application No.: 09/733,027

Confirmation No.: 7279

Filed: December 8, 2000

Art Unit: 2624

For: MANAGING THE LIFETIME OF
DISTRIBUTED RESOURCE DATA USING
TEMPORAL SCOPES

Examiner: L. Divine

APPELLANT'S REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY TO EXAMINER'S ANSWER UNDER 37 CFR 1.193(B)

This Reply brief is in response to the Examiner's Answer mailed October 20, 2005 and is in furtherance of the Notice of Appeal, dated May 20, 2005 and received by the United States Patent Office on May 20, 2005, and Appellant's Brief, dated July 19, 2005 and received by the United States Patent Office on July 19, 2005.

Appellant respectfully requests withdrawal of the final rejection and allowance of the above-captioned application. Should the Appellee not find the comments contained herein persuasive, acknowledgment of receipt and entry of this Reply Brief is requested.

I. INTRODUCTION

Appellant has addressed aspects of the Appellee's responses set forth in the Examiner's Answer dated October 10, 2005 below. The Appellee's responses are addressed herein in the order in which they appear in the Examiner's Answer.

A. The 35 U.S.C. § 102 Rejections Over *Howard*

1. Claims 1 and 13

Appellant has previously pointed out that *Howard* does not teach or suggest "tracking one or more first client-specific data objects in response to the first begin scope instruction," as set forth in independent claims 1 and 13. Appeal Brief, page 6. In response, Appellee contends that "[t]he tracking of a user visited resources can only be done when a user is logged in, and thus in response to a begin scope instruction." Examiner's Answer, page 11.

Appellee's interpretation of *Howard* is incorrect. Particularly, *Howard* teaches that "[t]he authentication server also updates (or creates) a cookie that contains a list of all sites (or web servers) visited by the user since the last logout from the authentication server." *Howard*, column 7, lines 23-26 (emphasis added). Because *Howard* teaches a cookie that tracks sites visited by the user after the user logs out of the authentication server, tracking is not taught to be done in response to a login as asserted by Appellee. Accordingly, *Howard* is insufficient to meet the claimed elements.

Moreover, Appellee has relied upon *Howard*'s "list of visited sites," and not upon *Howard*'s cookies, as meeting the claimed "client-specific data objects." Examiner's Answer, page 10. Appellant points out that *Howard* may teach removing various cookies placed on the client by visited sites, but the list of visited sites itself (or the tracking cookie containing it) is not removed from the client, since it keeps track of sites visited even after logout. *Howard*, column 7, lines 23-35. Therefore, even under Appellee's own interpretation of the reference, *Howard* does not teach or suggest "removing the first client-specific resource data objects," as set forth in independent claims 1 and 13.

2. Claims 2 and 14

Appellant has previously pointed out that *Howard* does not teach or suggest “removing the first client-specific resource data objects prior to the first end scope instruction,” as set forth in independent claims 2 and 14. Appeal Brief, page 7. In response, Appellee admits that Howard teaches “removing client specific data objects after session termination.” Examiner’s Answer, pg. 12 (emphasis added). At least because *Howard* teaches removal *after* logout whereas claims 2 and 14 require removal *prior to* a first end scope instruction, *Howard* is insufficient to meet the claimed elements.

Even if one were to attempt to read removal of the list of visited sites after a current logout in *Howard* as being before a subsequent logout, the claim limitations would not be met. Claims 2 and 14 recite “if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction.” There is nothing in the fortuity of a subsequent logout following deleting the list of visited sites to satisfy the recited if/then aspect of the claims.

Appellant has also pointed out that *Howard* does not teach or suggest a first begin scope instruction including a transient scope instruction, as recited by claims 2 and 14. Appeal Brief, page 7. In response, Appellee contends that “Appellant defines the transient scope instruction to be any type of *indication* that indicates a transient (temporary) scope—see page 14 lines 18-20 of specification.” Examiner’s Answer, page 11. Contrary to Appellee’s assertions, however, Appellant has not defined the term “transient scope instruction” as construed by Appellee. The present specification discloses that, “according to some embodiments . . . process flow forks based upon whether the ‘begin scope’ instruction 153 indicates a persistent or transient scope (typically by method type or parameter passing).” Specification, pg. 14, lines 6-20. Appellee’s assertion that Appellant has defined the transient scope instruction to be any type of indication this indicates a transient scope is clearly unsupported.

Moreover, *Howard* is insufficient to meet the claimed elements even when improperly construed by Appellee. Specifically, Appellee states that “Howard does teach that a begin scope instruction may include a transient scope instruction because all a transient scope

instruction needs to be is an indication that the scope tracked client-specific resource data objects will be transient.” Examiner’s Answer, page 12. However, *Howard* does not teach or suggest that the “scope tracked client specific resource data objects [i.e., list of visited sites] will be transient.” Instead, *Howard* teaches that the list of visited sites and the cookie containing it are not removed from the client (i.e., are not transient), thus tracking sites visited even after logout. *Howard*, column 7, lines 23-35.

3. Claims 6 and 18

Appellant has previously pointed out that *Howard* does not teach or suggest that “the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction,” as set forth in claims 6 and 18. Appeal Brief, page 8. In response, Appellee contends that a “[a login and a logout] must have information associated with each other in order to correctly bound [sic] both ends of the session . . . [such as] user name and/or other user information in both to associate them.” Examiner’s Answer, pages 12-13.

In other words, Appellee is merely arguing that a login and a logout may each include information that is common to both, by virtue of which they may be associated. However, even if such limitation were to be found in *Howard*, it would still not meet the identified aspect of the claims. Particularly, the first begin scope instruction and the first end scope instruction each have information identifying the first begin scope instruction and the first end scope instruction. Clearly, both instructions (e.g., login and logout) containing common information (e.g., a username) is insufficient to meet the claims. Accordingly, *Howard* is insufficient to meet the claimed limitations.

B. The 35 U.S.C. § 103 Rejections Over *Howard* in View of *Haun*

1. Claims 3 and 15

a. Lack of All Claimed Limitations

Appellant has previously pointed out that *Haun* does not teach or suggest that “if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client

instruction, then: if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session,” as recited by claims 3 and 15. Appeal Brief, pages 9-10. In response, Appellee contends that “a persistent scope instruction is described as an *indication* of a persistent scope. However, *Haun* is insufficient to meet the claimed elements even when a persistent scope instruction is read to be an indication of a persistent scope. Appellee contends that because *Haun*’s server determines whether a user has persistent data stored in the system, the login must include a persistent scope indication. Examiner’s Answer, page 13. However, Appellant points out that *Haun*’s server makes its determination by searching a user’s registry. *Haun*, column 9, lines 51-67. Therefore, it is *Haun*’s registry, and not *Haun*’s login, that includes indication of the existing persistent data. *Id.*

b. Lack of Motivation

Appellant has previously pointed out that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Howard* with *Haun*. Appeal Brief, page 11. In response, Appellee contends that “the motivation [for the combination of *Haun* and *Howard*] would have been to allow the users of the system of *Howard* to bring back user information, preferences, profiles, and other desirable data from session to session.” Examiner’s Answer, page 14. However, *Howard* already stores user information (e.g., user’s email address and preferences) in an authentication database, which is retrieved from session to session. *Howard*, column 3, lines 44-61. Therefore, at least because *Howard* already teaches those of *Haun*’s features that Appellee alleges would benefit *Howard*, there is no motivation for the combination.

2. Claims 5 and 17

a. Lack of All Claimed Limitations

In response to Appellant’s previous arguments, Appellee still relies solely upon *Howard* as teaching or suggesting that “if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction,” and still relies solely upon *Haun* as teaching or suggesting that “if the first begin scope instruction includes a

persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session,” as set forth in claims 5 and 17. Examiner’s Answer, pages 15-16. At least for the same reasons as stated above with respect to claims 1-3 and 13-15, Appellant asserts that the combination of *Howard* and *Haun* is insufficient to meet the claimed limitations.

b. Lack of Motivation

As with claims 3 and 15 discussed above, Appellant asserts that, at least because *Howard* already teaches those of *Haun*’s features which Appellee contends would benefit *Howard*, there is no motivation for the proffered combination.

C. The 35 U.S.C. § 103 Rejections Over *Howard* in View of *Harrison*

1. Claims 4 and 16

a. Lack of All Claimed Limitations

In response to Appellant having pointed out that *Harrison*’s objects are not designated as persistent objects by a client or in response to a client instruction, Appellee asserts that the client computer system designates the name for the persistent objects. Appeal Brief, page 18. Even assuming *arguendo* that the computer system can be read to meet the recited client, the claim limitations are not met. Claim 4 expressly recites “naming the data objects in a persistent folder in the client name-spacer” (emphasis added). Claim 16 sets forth a similar limitation. *Harrison* does not meet the foregoing, nor has Appellee shown otherwise.

b. Lack of Motivation

Appellee contends that “the motivation for [combining of *Howard* with *Harrison*] would have been to allow the users of the system of *Howard* to bring back user information, preferences, profiles, and other desirable data from session to session.” Examiner’s Answer, page 17. However, *Howard* already stores user information (e.g., user’s email address and preferences) in an authentication database, which is retrieved from session to session. *Howard*, column 3, lines 44-61. Therefore, at least because *Howard* already teaches those of

Harrison's features that Appellee alleges would benefit *Howard*, there is no motivation for the combination.

II. CONCLUSION


For the reasons set forth in the Appeal Brief dated July 19, 2005, and as supplemented above, Appellant respectfully contends that each of claims 1-24 are patentable over the applied art. Therefore, Appellant respectfully requests that the Board reverse the final rejections of record so that the present claims may pass to issue.

Appellant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10001428-1 from which the undersigned is authorized to draw.

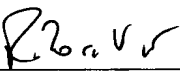
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482727147US, in an envelope addressed to: MS Appeal Brief – Patent, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: December 12, 2005

Typed Name: Susan Bloomfield

Signature: 

Respectfully submitted,

By 
R. Ross Viguet
Attorney/Agent for Applicant(s)
Reg. No.: 42,203

Date: December 12, 2005

Telephone No. (214) 855-8185